

REMARKS

Applicants respectfully request reconsideration of this Patent Application in view of the following remarks.

Amendment to the Claims

Applicants amended Claim 1 to remove previously added limitations of dependent Claims 2 and 6 and to recite a “natural fiber tissue.” Applicants added new Claim 101 to include the limitations removed from Claim 1. Support for this Amendment can be found at, for example, page 19, second full paragraph, of Applicants’ Specification. Applicants amended Claims 3, 7, and 90 in view of amended Claim 1 and new Claim 101. Applicants amended Claims 41, 44, and 48 to correct informalities.

No new matter has been added to the claims by this Amendment.

Election/Restrictions

The Examiner requires election of one of the following alleged patentably distinct species:

- Species 1: a containment sheet comprising an uncreped through air dried tissue; and
- Species 2: a containment sheet comprising a creped Yankee dried tissue.

The Examiner indicates there was no generic claim.

Applicants provisionally elect, with traverse, Species 1 for prosecution on the merits. Of the claims not already withdrawn by the Examiner, Claims 1, 3-5, 10-42, 44-46, 51-72, 90-99, and 101 read on the elected species.

Applicants respectfully traverse the Examiner's species restriction. As an initial matter, Applicants traverse this restriction as untimely. The Examiner has already considered on the merits, without restriction, the subject matter of both species. In the Office Action mailed 26 January 2005, the Examiner considered the subject matter of both identified species in dependant Claims 2, 6, 43, and 47. As the subject matter of both species was already considered on the merits by the Examiner, this restriction is unreasonably, particularly at this stage of prosecution, and merely delays prosecution.

Furthermore, the subject matter of the identified species was presented as a Markush-type claim limitation. As there are only two alternatives, and the alternatives are closely related in that the alternatives are both natural fiber tissue materials, the examination of all claims can be made without a serious burden (MPEP 803.02). The burden is even less as the Examiner has already considered both species on the merits. Pursuant to MPEP 803.02, the examiner must examine all claims on the merits, even though the Examiner alleges the claims contain patentably distinct inventions.

In addition, Applicants amended Claim 1 to provide a claim generic to both alleged species.

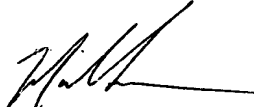
Applicants respectfully request the restriction be withdrawn, and all pending claims be examined on the merits.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,


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